

REMARKS/ARGUMENTS

Indefiniteness Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 3,6,9,15,18(f), 22, and 30 are rejected as indefinite on grounds the term "substantially real-time" is indefinite. The rejection is respectfully traversed. "Real-time" as used with information technology systems is a well-known term. It means systems where time is a critical factor and the system response time must be sufficiently quick. See, e.g., *IBM Dictionary of Computing* at 558 (10th ed. McGraw Hill 1994). (attached). Such systems are used, e.g., in safety, manufacturing, airline, or other systems. Here, time is critical because credit card customers have come to expect a quick approval of their credit purchase and failure to provide this may result in lost sales.

The use of the term "substantially" is common in patent claims to permit insubstantial variations from the term modified, here, "real-time." Thus, it means real-time or insubstantial variations therefrom. See, e.g., *Amhil Enterprises, Ltd. v. Wawa, Inc.*, 38 USPQ2d 1471 (Fed. Cir. 1996) ("'substantially vertical' here means to deviate only slightly, if at all, from vertical . . ."). See, e.g., *BJ Servs. Co. v. Halliburton Energy Servs.*, 338 F.3d 1368 (Fed. Cir. 2003) ("Definiteness problems often arise when words of degree are used in a claim. That some claim language may not be precise, however, does not automatically render a claim invalid." *Seattle Box Co., Inc. v. Indus. Crating & Packing, Inc.*, 731 F.2d 818, 826 (Fed. Cir. 1984). The question becomes whether one of ordinary skill in the art would understand what is claimed when the claim is read in light of the specification."). For the convenience, however, of facilitating a speedy prosecution, the claims are amended to remove the term "substantially."

Claims 4(m),11(k), 21(d), and 29 are rejected as indefinite on grounds the term "about X minutes" is indefinite. The rejection is respectfully traversed for the same reasons as stated above regarding the term "substantially." For the

convenience, however, of facilitating a speedy prosecution, the claims are amended to remove the term "about."

Claim 27 is not expressly rejected but the term "foreign key" in claim 27 is noted as being indefinite. Applicant will respond as if there was an express rejection. The rejection is respectfully traversed. Absent, a contrary definition in the written description, a term in a claim is given its ordinary meaning to one of ordinary skill in the art. Conversely, where there is an ordinary meaning to one of ordinary skill in the art, a definition in the written description is not needed to render the claim definite.

"Foreign key" has a well-known meaning in the database arts, where it means an attribute (column) in an entity (table) which is a key attribute in a different entity (table). Each entity (table) in a relational database must have a key attribute to uniquely identify each instance (record) of the entity. In order to perform more advanced searches of the database where multiple tables are searched, existing search methods such as Structured Query Language additionally requires each entity (table) contain at least one foreign key. See, e.g., *IBM Dictionary of Computing* at 281 (10th ed. McGraw Hill 1994). (attached).

Obviousness Rejections Under 35 U.S.C. §103

Claims 1, 2, 4, 5, 7, 8, 10-14, 16-21, 23-29, and 31 are rejected as obvious over Lebda in view of Mandler.

Amendments:

Claims 1, 4, 7, and 11 are amended to require Transaction Facilitator to aggregate payments from multiple buyers for sellers and remitting the aggregated payments to the respective sellers. These amendments are supported in the written description of the specification at p. 7, lines 3-4.

Cited Art:

Lebda addresses problems occurring in business to consumer transactions such as home loan, car loan, and student loan applications. In contrast to the instant invention, in Lebda each loan is approved by the lender for each purchase. Mandler addresses business loan problems but by way of a bank-lender who serves as an interface between buyers and sellers to provide credit to the buyers and match the buyers and sellers. In contrast to Mandler, in the instant invention, the lender (extender of credit) may be the seller or third-party lenders. These and further distinctions with the cited references will be elaborated upon below.

As per Claim 1:

The following response provides an element-by-element analysis of why those elements are not taught or suggested by Lebda. Since there are many elements in claim 1 it would be helpful for Applicant to provide an overview of important distinctions between Lebda and the instant invention. The teachings of Lebda are merely to act as a “mail stop” or middleman or conduit between many borrowers and many lenders. Lebda teaches simply collecting the borrower information on each order, and for each order performing a rough filter against pre-set lender criteria, and sending the passing applications to the applicable lenders. Lebda is aimed at individual consumer loans. This makes sense because the assignee in Lebda is Lending Tree, a consumer lender. Thus Lebda teaches a B2C, business-to-consumer, method. See Lebda at col. 2, lines 3-6 (“loan applications include . . . mortgages, car loans, student loans, personal loans . . . ”)

In contrast, the instant invention, as in claim 1, addresses B2B, business-to-business, purchases, involving borrowers that make repeated purchases. The credit-matching agent in the instant application takes on more function than in Lebda. In the instant application, the invention is suitable for B2B. Prior to any buyer orders, the credit-matching agent, not the lender, pre-determines credit

available to the buyer. A given borrower may then have a choice of credit options for any future purchase, e.g., pay in full within 30 days and receive a 2% discount, or pay in full within 10 days and receive a 4% discount, or pay in full within 60 days and receive no discount, or pay over several months with various interest rates applying. All these options could be from 1 or a mixture of lenders. Then, upon an order, the credit-matching agent, not the lender, provides any credit matches to the buyer, from which the buyer selects.

Thus, the lender is not involved in approving credit for a particular order for a particular. The lender, instead, pre-approves credit for the buyer, without regard to a particular order, the credit-matching agent stores this information in the record of the borrower, the credit-matching agent upon receiving a buyer order, searches for a match in its database, sends any matches to the borrower. All this is without lender involvement. In contrast to the Lebda method, the instant invention can serve B2B needs better because lender approval of each order is not required. Note that in Lebda, the actively lender takes over loan transaction after the borrower has agreed. See, e.g., Lebda at col. 6, lines 51-67. Thus, Lebda teaches away from all the functions being done by the credit-matching agent (or Transaction Facilitator as used in parts of the specification).

With that overall distinction over Lebda in mind, Applicant will now distinguish Lebda on an element-by-element basis below:

Step "d" of claim 1, "Receiving over the Internet from said seller seller's credit options for said buyer", is not taught in Lebda. Instead Lebda teaches that the credit matching agency compares the buyer's application to lending criteria provided by the lender. See, e.g., Lebda at col. 5, lines 26-34. If passed, the application is sent to the lender who then accepts or rejects the application. See, e.g., Lebda at col. 5, lines 59-60 and col. 4, lines 42-45 ("computer 100 runs a filter against *preset criteria established by each lender.*" Emphasis added).

Step "f" of claim 1, "Creating a database of said credit options for said buyer", is not taught in Lebda. Instead Lebda teaches creating a database only of the borrower's credit application and of lenders filtering information. See Fig. 1 in Lebda where the database is step 4 which is prior to the credit scoring step and matching step with lenders. Figs. 6-8 of Lebda only teach comparing the buyer's application to lending criteria provided by the lender. Those borrower applications passing the filter of one or more lenders are sent to the lenders. See, e.g., Lebda at col. 3, lines 21-23 ("stage 9, the borrower can reply stating whether he accepts or denies the lender's application").

Step "h" of claim 1, "Querying said database with query criteria specific to said order, thereby resulting in a report of credit options for said buyer for said order", is not taught in Lebda. Instead Lebda treats each borrower application as a new "order" and repeats the step of filtering the application against preset lender criteria, and then sending the application to any lenders whose filter is successfully passed.

Step "j" of claim 1, "Receiving over the Internet said buyer's selection of a credit option", is not taught in Lebda. Instead, in Lebda, the buyer simple accepts or does not accept the load offered by the lender. See, e.g., Lebda at col. 6, lines 41-43 and col. 3, lines 21-23 ("stage 9, the borrower can reply stating whether he accepts or denies the lender's application"). No choice of credit options is provided to the buyer.

Regarding "Receiving over the Internet an order for said buyer":

The Office action acknowledges that Lebda does not teach Step "g" of claim 1, "Receiving over the Internet an order for said buyer", is not taught in Lebda.

Regarding "Receiving payment remitted from said buyer":

The Office action acknowledges that Lebda does not teach steps "k" and "l" of claim 1, "Passing over the Internet a payment schedule for said buyer" and "Receiving payment remitted from said buyer", respectively. The Office Action

does not cite any reference regarding these elements but refers to credit cards as examples that these elements were known. Absent a reference teaching or suggesting the combination with the other claim elements, the elements cannot be presumed to be obvious to one skilled in the art. Additionally, even if a reference is cited teaching payment schedules are known as used in paper credit card statements sent via U.S. mail, this would not render it obvious, at the time if this invention, to send payment schedules over the Internet.

As per Claim 2, 5, 8, 13, 16, 19, and 23:

Lebda does teach “[t]he method of claim [x], wherein said creating step [y] occurs on a pre-determined schedule, in response to pre-determined triggering events, upon a seller’s or credit provider’s request, and mixtures thereof.” Instead Lebda, only teaches obtaining a credit score for a buyer at the time the buyer wishes to make a purchase. Lebda at col. 3, lines 10-14. This is adequate for B2C transactions, but not for regularly recurring B2B transactions where the buyer and seller are part of a supply chain. By having recurring, e.g., weekly or monthly, credit score recalculation for buyers, the credit-matching agent is always ready to quickly offer credit options for any buyer orders. That is, having a current credit score always available eliminates the need and delay with waiting for an order before determining the credit score. This is a needed solution for frequent B2B purchases by the same borrowers, but not needed for infrequent B2C transactions between always different consumers (borrowers).

As per Claim 4:

The reasons traversing the rejection of claim 1, elements c, d, f, h, j, k, and l above, are incorporated herein by reference since they correspond to the same elements as in claim 4.

As regards 4(m), limiting the time between steps, as mentioned in the discussion preceding the detailed traversal of each claim 1 rejection, the instant invention has the credit-matching agent perform the matching of buyer for a particular

order with 1 or more credit options and credit options. This is a needed and significant improvement over the method of Lebda which requires the Lender to review and decide on approval of each order. Since the lender is not involved in the instant approval process, except prior to the order, the time gap between order and offer of credit can be much faster. This solves the faster time needed by business to be efficient. It's not obvious from Lebda since it requires the lender to release control of the approval process for a particular purchase to the credit-matching agent. This is a significant difference between the Lebday teachings and the instant process.

As per Claim 7:

The reasons traversing the rejection of claim 1, elements c, d, f, h, i, j, k, and l above, are incorporated herein by reference since they correspond to the same elements as in claim 7. Further, claim 7, element 'h', "Entering a credit agreement with said buyer for at least one of said credit options" is not taught or suggested by Lebda. This is consistent, as discussed previously, that Lebda is only suitable for B2C transactions and the instant invention is much more suitable to the needs of B2B transactions.

As per Claim 11:

The reasons traversing the rejection of claim 1, elements c, d, f, h, i, j, k, and l above, are incorporated herein by reference since they correspond to the same elements as in claim 7. As regards, element 'h', "Entering a credit agreement with said buyer for at least one of said credit options" the reasons traversing the rejection of claim 7 are incorporated herein by reference. Further Lebda does not teach or suggest the time-limiting step (k). The traversal reasoning from claim 4(m), above, is incorporated herein by reference.

As per Claim 14:

The reasons traversing the rejection of claim 1, elements f, h, i, and j, above, are incorporated herein by reference since they correspond to the same elements as

in claim 7. As regards, element 'h', "Entering a credit agreement with said buyer for at least one of said credit options" the reasons traversing the rejection of claim 7 are incorporated herein by reference.

As per Claim 18 and 21:

The reasons traversing the rejection of claim 4, above, are incorporated herein by reference since they correspond to overlapping elements in claim 18 and 21.

As per Claim 25, 26, 27, and 28:

The "credit terms relation" element of claim 25-27 is not taught or suggested by Lebda or Mandler. The traversal reasoning for claim 1, step (h) is incorporated herein by reference since it is a corresponding element.

CONCLUSION

From the foregoing, it is submitted that Applicants' claims as amended define subject matter that is both novel and nonobvious in view of the cited references. Claims 1-31 are pending. Of those claims, claims 3, 6, 9, 15, 22, and 30 are only rejected based on Section 112. Since the terms "about" and "substantially" have been deleted from the claims, those claims should now be in condition for allowance. The remaining claims are rejected for nonobviousness. The objections are believed overcome for the above-cited reasons. Accordingly, allowance of claims 1-31 is requested.

Respectfully submitted,



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tance influence: on the thickness.

read/write (RW) subpool In the IBM 8100 Information System, one of two subpools that make up the common address space section (CASS). The RW subpool can be read or written into by any process in any address space. See also read-only (RO) subpool.

read/write slot Synonym for head slot.

ready condition The condition of a task that is in contention for the processing unit.

ready indicator On a document copying machine, an indicator that shows when the machine is ready to start. (T)

ready queue In ACF/TCAM, a chain of elements that represents the work to be performed.

ready state A state in which a task is ready to be activated and is contending for processor execution time.

real address area In VSE, the area of virtual storage in which virtual addresses are equal to real addresses.

real address space In a VSE system operating in 370 mode, the address space whose addresses map one-to-one to the addresses in processor storage.

real constant A string of decimal digits that must have a decimal point, decimal exponent, or both.

real drive Synonym for nonstaging drive.

real estate In video systems, the space available for recording on a videodisc or videotape.

real image In multimedia, an image captured from nature, either through a still camera, a movie camera, or a television camera. Synonymous with realistic image.

realistic image Synonym for real image.

realm (1) A part of a database that can be opened and closed as a unit. (T) (2) In the CODASYL model, synonym for area (2). (A)

real mode (1) In VSE, a mode in which a program may not be paged. See also virtual mode. (2) In the OS/2 operating system, a method of program operation that does not limit or prevent access to any instructions or areas of storage. The operating system loads the entire program into storage and gives the program access to all system resources.

computer-assisted instruction system in which response to input is fast enough to affect subsequent input.

real-time control The control of a process by real-time processing. (1) (A)

real-time input Input data received into a data processing system within time limits that are determined by the requirements of some other system or at instants that are so determined. (1) (A)

real-time operation (1) In analog computing, operation in the computer mode, during which the time scale factor is one. (1) (A) (2) Synonym for real-time processing.

real-time output Output data delivered from a data processing system within time limits that are determined by the requirements of some other system or at instants that are so determined. (1) (A)

real-time processing The manipulation of data that are required or generated by some process while the process is in operation; usually the results are used to influence the process, and perhaps related processes, while it is occurring. (1) (A) Synonymous with real-time operation.

real-time simulation The operation of a simulator so that the time scale factor is equal to one for a physical time specified by the system being simulated and by the corresponding computer time of the simulator. (A)

Real-Time Video (RTV) In Digital Video Interactive (DVI) technology, a video compression technique that operates in real time using the DVI system itself. It provides picture quality suitable for application development, but the final application is usually compressed using Production Level Video (PLV).

rear compression In VSAM, the elimination from a key of characters to the right of the first character that is unequal to the corresponding character in the following key.

reason code A code that identifies the reason for a detected error.

reasonable check A check to determine whether a value conforms to specified criteria. (T)

realign To mark a disk sector as damaged. The marked disk sector points to another sector location where the data from the damaged sector is moved.

reboot Synonym for system reset.

rebound distance On a typewriter, the distance between the face of the type element and the platen when the type element has engaged its stop. This dis-

receive pacing Being received by a computer in connection with another process outside the computer according to time requirements imposed by the outside process. This term is also used to describe systems operating in conversational mode and processes that can be influenced by human intervention while they are in progress. (1) (A) (2) In Open Systems Interconnection architecture, pertaining to an application such as a process control system or a program access to all system resources.

receiver direct Information abc

rced licensed internal code completion In the AS/400 AFP program, a function of the system that allows the user to force a deadlocked system to complete interrupted machine instructions by turning the power switch on the control panel to the Delayed Off position.

rced new page Synonym for required page break.

ce of impression In printing, the force with which type carrier impacts the paper when it types a character.

ce start A VM system restart that attempts to recover information about closed spool files that were previously stored on the checkpoint cylinders. All readable or invalid spool file information is ignored. Contrast with checkpoint start, cold start, warm start.

ce time In the AS/400 AFP program, the time taken for all items on a distribution queue are sent regardless of how many items are on the queue. See also depth, send time.

eground (1) In multiprogramming, the environment in which high-priority programs are executed. In TSO, the environment in which programs are swapped in and out of main storage to allow terminals to share processing time. Contrast with background. (2) The environment in which interactive programs are executed. Interactive processors reside in foreground. (4) In the AIX operating system, a mode of running a program in which the shell waits for the program specified on the command line to complete before responding to user input. (5) See foreground image, foreground process.

eground (Fg) color The color of objects placed on screen.

eground display image See foreground image.

eground image (1) The part of a display image that can be changed for every transaction. (1) (A) Contrast with background image. (3) Synonyms: foreground, dynamic display image, graphic image.

eground-initiated background job In TSO, a job submitted from a remote terminal for scheduling and execution in the background.

eground job (1) A high-priority job, usually a one-time job. (2) An interactive or graphic display that has an indefinite running time during which communication is established with one or more users local or remote terminals. (3) In TSO, any job executing in a swapped region of main storage, such as a

command processor or a terminal user's program. Contrast with background job.

foreground message processing program In TSO, a problem program run in the foreground using ACF/TCAM to handle messages for one or more terminals.

foreground partition In VSE, a space in virtual storage in which programs are executed under control of the system. By default, a foreground partition has a higher processing priority than the background partition.

foreground process In the AIX operating system, a process that must run to completion before another command is issued to the shell. The foreground process is in the foreground process group, which is the group that receives the signals generated by a terminal. Contrast with background process.

foreground processing (1) The execution of a computer program that preempts the use of computer facilities. (1) (A) (2) In word processing, a type of system operation perceived by the operator to execute immediately at the workstation. (3) Contrast with background processing.

foreground program (1) In multiprogramming, a high-priority program. (2) In TSO, a program executed in a main storage region that has been swapped in.

foreground region A region to which a foreground job is assigned.

foreign exchange service A service that connects a customer's telephone to a telephone company central office that does not normally serve the customer's location.

foreign host Synonym for remote host.

foreign key In a relation, a column whose data values correspond to the values of a key column in another relation. (A)

fork In the AIX operating system, to create and start a child process.

form (1) In an IBM 3790 or DPCX application program, a set of programming statements that defines the contents and structure of a data unit by specifying pages, lines in pages, fields within lines, and items within fields. (2) The paper on which output data are printed by a line printer or character printer. (3) The area between perforations on continuous printer paper. (4) In AS/400 AFP support, a physical sheet of paper on which data is printed. Synonymous with medium, physical page, sheet. (5) In AS/400 AFP query man-